HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.4339 OF 2006

Between:

K.Umpathi Naidu

. . .Petitioner

AND

The District Collector,
Chittoor, and others . . .Respondents

Counsel for the petitioners : Shri Krishna Devan

Counsel for the respondents : Government Pleader for Revenue

Dated: 22nd June, 2006

: ORDER :

PER G.S.SINGHVI, CJ

This is one of many petitions filed in this Court ostensibly for espousing some public cause, but the real object of such petitions is to settle personal scores.

The petitioner, who is said to be employed as lecturer in Maths in Kakatiya Junior College, R.S.Road, Rajampet, Kadapa District, has prayed for issue of a direction to the official respondents to take action against respondent No.5 P. Sai Pranavi under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 (for short 'the 1993 Act') and the Rules framed there under. In the affidavit filed by him, the petitioner has averred that respondent No.5 is the daughter of Shri

P. Raghuramaiah and Dr. Yashoda Bai, who are residents of Tirupathi. Shri P. Raghuramaiah belongs to Muthrasi caste and Dr. Yashoda Bai belongs to Sugali caste. According to the petitioner, even though the castes of her parents have not been categorized as Scheduled Tribe in the State of Andhra Pradesh, respondent No.5 obtained admission in M.B.A. course in S.V. University, Tirupathi against the seat earmarked for Scheduled Tribe by producing a bogus certificate. The petitioner is said to have made representation dated 01.12.2005 to District Collector, Chittoor with the request for taking action against respondent No.5 under the 1993 Act. He is also said to have served legal notice dated 02.11.2005 upon the Vice Chancellor, the Registrar, the Controller of Examinations of S.V.Univesity,

Tirupathi and the Principal, Post Graduation, S.V.University, Tirupathi for taking action against respondent No.5. His grievance is that despite repeated representations and legal notice, the concerned authorities have not taken action for cancellation of the Scheduled Tribe Certificate obtained by respondent No.5 and her admission in M.B.A. course.

At the commencement of hearing, we enquired from the learned counsel as to when his client came to know that respondent No.5 has secured bogus Scheduled Tribe certificate and what is the source of his information. Learned counsel could not reply to either of the queries and made a request for adjournment by saying that his client would file an additional affidavit disclosing the source of his information and the date of knowledge.

We have considered the request of the learned counsel, but have not felt persuaded to accept the same. In our opinion, the petitioner's refrain to disclose the source through which he came to know about the alleged bogus Scheduled Tribe certificate obtained by respondent No.5 and the time when he acquired such knowledge is indicative of the lack of bona fides on his part. The fact that he is a lecturer employed in Kakatiya Junior College, Rajampet, Kadapa District gives an impression that he has filed this petition questioning the Scheduled Tribe Certificate of the candidate studying in S.V. University, Tirupathi with a view to settle some personal score either with respondent No.5 or her family.

When a person files writ petition in public interest, he owes a duty to the Court to come with clean hands and place the entire material, which has bearing on his locus as well as cause. Any attempt of a litigant to mislead the Court by suppressing facts or not furnishing complete information which has bearing on his cause is sufficient for coming to the conclusion that the litigation instituted by

him is not bona fide.

Since the petitioner has failed to establish the bona fides of his locus, we are declined to entertain his prayer for issue of a direction to respondent Nos. 1 to 4 to enquire into the genuineness of the Scheduled Tribe certificate produced by respondent No.5 or to direct them not to declare her result of M.B.A. examination. With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 22.06.2006

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